

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

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MINUTES FOR MANAGERS' MEETING

June 24, 2013

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a regular meeting on Monday, June 24, 2013, at 7:30 PM in the Barnesville office. BRRWD Managers present were Gerald L. Van Amburg, Roger G. Ellefson, Curtis M. Nelson, Breanna L. Paradeis Kobiela, John E. Hanson, Troy E. Larson, and Peter V. Fjestad. BRRWD Staff attending included: Bruce E. Albright, BRRWD Administrator, Erik S. Jones, Engineer, and Julie Jerger, Resident Secretary, Houston Engineering, Inc. (H.E.); and landowner Kurt Krueger.

Chairman Van Amburg called the meeting to order at 7:34 PM. He announced that the proceedings were being recorded to aid in preparation of the minutes.

Secretary's Report. The Board reviewed draft minutes for the Project No. 65, County Line Outlet, 3/15/12 hearing, Project No. 71, City of Moorhead 50th AVE S Flood Control 3/12/13 hearing, Project No. 70, Crystal Creek/McCann's Additions Flood Control 3/21/13 hearing, and the Project No. 50, Cromwell Township Highwater Outlet, 10/10/12 hearing continuation. **Motion** by Hanson to approve the minutes. **Seconded** by Paradeis Kobiela. **Approved.**

Treasurer's Report. The Board reviewed the BRRWD's financial status and account balances. The current checking account balance is -\$276,780.23. We are holding the May payments to H.E. and Reiner Construction. We have received reimbursements from the Minnesota Department of Natural Resources (DNR) for Project No. 39, Georgetown Levee Improvement (\$131,098.74) and the Red River Watershed Management Board (RRWMB) for Mediation Project Team (PT) expenses (\$2,271.89), totaling \$133,370.63. The office sent pay requests to the City of Moorhead for Project No. 71, 50th AVE (\$102,277.81), the DNR for Project No. 56, Manston Slough Restoration (\$36,714.50) and Project No. 39, Georgetown Levee Improvement (\$113,973.69). We are also waiting for reimbursement from the Minnesota Pollution Control Agency (MPCA) for the pay request we sent in May for Buffalo River Total Maximum Daily Load (TMDL) expenses (\$10,080.55). Albright noted that Clay County still has some delinquent tax payments from 2012 to forward to the BRRWD, as well as the first half 2013 tax payments. Lori Johnson, Clay County Auditor, told Albright we should receive the check this week.

Albright reported that a conference call with Clay County and Ehlers and Associates, Inc is scheduled for Wednesday to discuss the bond sale with the bond rating company. The sale is scheduled for July 9, 2013. The amount has been increased to \$ 2 million. The office is working on the bond sale transcripts.

Vogel Law Firm is working with Midwest Bank on the BRRWD nonprofit status.

Permit No. 13-62, Kurt Krueger. Krueger filed a permit application to pattern tile 309.7 acres in the S½, Section 8, Manston Township, Wilkin County, to improve crop production and manage water more effectively. The Natural Resources Conservation Service (NRCS) has approved the project regarding wetland issues. The project will outlet via a lift station in the northwest corner of the tract to the County Road (C.R.) No. 176 ditch. **Motion** by Larson to approve Permit No. 13-62, subject to the BRRWD's standard tiling disclaimer, Wilkin County's permission to work in their road right-of-way (r-o-w), and downstream landowners' notification. **Seconded** by Fjestad. **Approved.**

Permit No. 13-61, Gordon Kassenborg. Applicant proposes to install 1,200' of 18" dia. dual wall tile from a lift station in the NE¼, Section 12, Oakport Township, Clay County, through C.R. No. 94 to the Buffalo River on his property. Kassenborg says the work will reduce erosion along the road ditch and prevent the water from running in a coulee through Trevor Sorby's field and yard. **Motion** by Larson to approve Permit No. 13-61, subject to our standard tiling disclaimer. **Seconded** by Paradeis Kobiela. **Approved.**

Permit Nos. 13-63, 13-64, 13-65, and 13-66, Richard and Allen Yaggie. Applicant proposes to install tiling in a number of locations in Wilkin County. The applications did not include maps or tiling plans. Albright will contact Yaggie for more information. **Tabled.**

Permit No. 13-67, John Boen. Applicant proposes to replace existing tile lines and add lateral tiling in Section 32, Norwegian Grove Township, Otter Tail County. **Motion** by Nelson to approve Permit No. 13-67, subject to our standard tiling disclaimer and downstream notification. **Seconded** by Ellefson. **Approved.**

Permit No. 13-68, Randy Nordick. Applicant proposes to straighten an existing ditch/waterway in three locations in the W½, Section 35, Meadows Township, Wilkin County, to make farming easier. NRCS has given approval for the work. **Motion** by Larson to approve Permit No. 13-68. **Seconded** by Fjestad. **Approved.**

Permit No. 13-69, Randy Nordick. Applicant proposes to install 120 acres of pattern tiling in the S½ and NE¼, Section 29, Akron Township, Otter Tail County. The tile will outlet via a lift station to Wilkin County Ditch No. 3 to which the property is assessed. **Motion** by Fjestad to approve Permit No. 13-69, subject to our standard tiling disclaimer. **Seconded** by Larson. **Approved.**

Permit No. 13-70, Howard Pender. Applicant proposes to install 75 acres of pattern tiling in the W½NE¼, Section 21, Skree Township, Clay County, outletting to the south ditch of C.R. No. 10, flowing east, eventually to Hay Creek. The project might require cleaning the C.R. No. 10 ditch to grade. **Tabled,** pending Manager field review.

Permit No. 13-71, Howard Pender. Applicant proposes to install 80 acres of pattern tiling in the S½SW¼, Section 21, Skree Township, Clay County, outletting via gravity flow to 200th ST (C.R. No. 25) then west through 100th AVE, eventually to Spring Creek. The project might require either boring or cutting C.R. No. 25, and cleaning 100th AVE for about 300'-400'. **Tabled,** pending Manager field review.

Clayton Runck Drainage Concerns. Chuck Melvin, United States Fish and Wildlife Service (USFWS), completed a drainage survey for Section 27, Skree Township, and forwarded it to the BRRWD. The Board reviewed the survey results and the 6/19/13 informational meeting discussions. Albright commented that Sharon Lean, NRCS, could be asked if Runck could install a larger culvert in the Ronsberg approach on the south side of the township road west of the centerline structure. Currently, the DNR Cease and Desist Order to prevent any more drainage work in Section 27, Skree Township, Clay County, is still in effect.

Perry Montplaisir Drainage Concern. The Managers have not yet conducted a field review of Montplaisir's drainage concerns in Section 18, Kragnes Township, Clay County. Once the field review has been completed, the Board plans to hold an informational meeting with the neighboring landowners, Kragnes Township, and the Clay County Highway Department to discuss Montplaisir's farmstead flooding problems and the gated culverts he claims his neighbors operate.

Stakke Lake Control Structure. The office is preparing the mailing list for the informational meeting. The meeting date will need to be coordinated with Becker Soil and Water Conservation District (SWCD) and Emily Siira, DNR.

Magellan Pipeline. The office received a General Permit notice from the DNR for the Magellan Pipeline Company to dewater and repair a section of their pipe in Section 34, Barnesville Township, Clay County.

Drainage Concerns. Terry Skjerseth, Pifer's Auction and Realty, contacted the office with concerns about drainage issues on property he manages in Section 31, Riverton Township, which was sold to the Hershey Family Limited Partnership in 2012. The Board discussed the historic drainage patterns and problems in this area.

Kevin Kuehl Drainage Concerns. Following the 5/30/13 heavy rainfall, Kuehl contacted the office with concerns regarding water impounding in Section 22, Oakport Township, Clay County. The Board felt that the amount of rain that fell during this event (approximately 6") naturally affected drainage structure capacities. Albright commented that Kuehl will have to file a permit application to install a larger culvert in 28th ST N.

Culvert Sizing Concerns. Robert Braton would like larger inlet culverts to Deerhorn Creek on County State Aid Highway (CSAH) No. 52. He called the office today to discuss the issue with Albright and also talked to Manager Larson yesterday. Braton wants to add another 48" dia. culvert to the existing 42" dia. inlet culvert to match the upstream and downstream 60" dia. culverts. The Board discussed this issue and agreed to invite the area landowners to the 7/08/13 regular meeting.

Project No. 76, Wilkin County Ditch No. 3-Lateral. Mike Yaggie and Wayne Fuder have filed a petition for a lateral to Wilkin County Ditch No. 3 to address erosion problems on the north side of the township road upstream of Wilkin County Ditch No. 3 in Sections 31/32, Akron Township, which causes water to flow northwest via a natural waterway cross-country to County Ditch No. 3. They recently forwarded the required \$10,000 bond. Yaggie plans to do part of the work himself. The office will forward the petition to Vogel Law Firm for review. The Board discussed authorizing H.E. to prepare the Preliminary Engineer's Report and the location of the possible assessment area. Project costs would cover r-o-w acquisition and future maintenance, which would be paid for by local landowners within the assessment area. **Motion** by Larson to appoint H.E. to prepare the Engineer's Preliminary Report and to forward the petition to Vogel Law Firm for review. **Seconded** by Paradeis Kobiela. **Approved.**

Project No. 75, Wilkin County Ditch No. 31-Lateral. Albright reported that we are waiting for Jones to complete the Preliminary Engineer's Report. Jones plans to contact Julie Aadland, Area Hydrologist, DNR, for initial discussions regarding the proposed project. Diversion of area water flows affects Whisky Creek, which is a DNR protected watercourse.

Project No. 74, Clay County Ditch No. 51-Lateral. On 06/06/13, Judge Cahill dismissed Norby's appeal regarding the Board's Preliminary Order for the project. There is a 30-day appeal period of the Judge's decision. After that, the Board would like to move forward with the project development.

Project No. 73, Country Heritage Ditch. The contractor, Johnson Excavation, plugged an area culvert during construction. Following the recent heavy rainfall, property owners contacted the office regarding the closed culvert and area drainage problems. This afternoon, Johnson opened the culvert so the area could drain.

Project No. 72, Wilkin County Ditch No. 22-Lateral No. 3. Contractor Jeff Nichol, William Nichol Excavating, Inc., is working on the project, but the recent heavy rainfall has slowed down work.

Landowner Tim Buth has asked for an additional crop damage payment for a second year (2013) because the project wasn't completed on time. Albright suggested that the Contractor might be liable for those costs, since he didn't complete the project by the completion deadline.

Project No. 71, City of Moorhead 50th AVE Flood Control. Albright reported that the contracts have been signed with Gladen Construction. The Board discussed how the \$400,000 in construction savings will be reflected in lower landowners' local assessments. Albright sent the City of Moorhead a pay request for their share of the BRRWD's current project costs.

Project No. 60, Swede Grove Lake. At the last meeting, the Board dismissed Clay County's 2004 project petition. They authorized Albright to bill the County for the project costs. H.E. prepared a breakdown of the total costs (\$43,559.91): \$6,500 in actual petition costs, \$23,000 for Mediation PT alternative analysis, and \$14,000 interest expenses on the negative project account balance. Albright sent a pay request to Naomi Erikson, RRWMB, for the alternative analysis costs. The Board discussed the evolution of the project development from just a simple outlet, as requested by the County, to a possible DNR/USFWS Waterfowl Production Area (WPA) project. The County wasn't interested in the expanded proposal. The Board will wait to hear from the RRWMB regarding a possible reimbursement for the Alternative Analysis costs before they contact the County.

Project No. 56, Manston Slough Restoration. Albright reported on the pending easement option acquisitions. The Board discussed the bid tabulation. Jones reported that Gladen Construction, Inc., is the low bidder at \$2,479,442.45. Jones distributed copies of the project budget/cost estimate, which has increased. Ellefson asked if there would be any funding available from the Red River Retention Authority (RRRA). Jones explained that benefits to the Red River from this project might be difficult to determine. The Board discussed the engineer's estimate, which has increased approximately \$1.2 million due to increased development costs since the project was initiated over 10 years ago, partially due to increased easement values. Albright sent the DNR and Minnesota Board of Water and Soil Resources (BWSR) an inquiry about additional funding. By law, the BRRWD can wait to award the bid for 60 days. The Board discussed the possibility of rebidding the project this fall or next spring. The Lessard-Sams Outdoor Heritage Council (LOHC) Conservation Partners Legacy Grants (CPLG) Program funding expires on 6/30/13. Albright suggested that the Board approve payment of the Woolson and C&H Farms easements so we don't lose the \$350,000 in funding. **Motion** by Nelson to acquire the two referenced easements. Ellefson commented that if we rebid the project, and we have to dismiss it because the bids come in even higher, the Woolson and C&H Farms easements would be unnecessary. The Board discussed funding alternatives, wetland restoration values, awarding the bid, and the possible risks involved with acquiring the easements. **Seconded** by Paradeis Kobiela. **Approved.** The Managers agreed to take up the contract award issue at the upcoming 7/08/13 meeting after we hear back from DNR and BWSR regarding additional funding

Albright noted that we will need to hire an appraiser for Kent Rod and Gun Club property, which will be acquired via "friendly" condemnation due to the large number of property owners. The Board also discussed a possible ground-breaking ceremony for the project, which will need to be scheduled once we know how we are going to proceed with the project.

Project No. 49, Oakport Flood Mitigation. Albright reported that he filed the BRRWD's 2014 funding application with the DNR last week. He also submitted numbers to the DNR for current Phase 3 eligible expenses (\$586,486.47). To date, the DNR has not responded.

Albright reported that we have received requests for haying on BRRWD property in Oakport Township. He suggested that we could prepare a bid package and put out the haying rights for bids. The Board discussed details of a possible bid package, including a liability disclaimer, and agreed to advertise for bids.

Albright reported that we have received complaints about damages to the dike for which the gas company was responsible. Kris Carlson, Ulteig Engineers, Inc. (UEI) will handle this issue. Albright also distributed a project update from UEI.

Project No. 46, Turtle Lake Outlet. At their 6/10/13 meeting, the Board approved a redetermination of benefits. Albright plans to meet with the Appraisers after the 4th of July holiday to start that process. The Turtle Lake Association is holding their Annual meeting on 7/20/13. Albright will prepare a project report for distribution at the meeting.

After the recent heavy rainfall, the lakes' elevations are up. Wade Opsahl, Technician, H.E., is working on a problem with the Long Lake siphon, which loses its prime. Jones has been working with Emily Siira, DNR, who has requested information about the Ordinary High Water (OHW) amended permit elevations, set by the DNR when the project was constructed at 1.5' below the OHW (elevation 1361.3).

Project No. 39, Georgetown Levee Improvement. Albright reported that the underground work is completed, and the contractor, Reiner Construction, has pulled his crews out and is working on other area projects because we still have structures in the way of the Phase 2 work. The Board discussed the remaining house moving/trades and demolitions. At least four of the houses will be used by the Dilworth Fire Department for training. Once we receive the basement installation bids, Albright said we will have to review budgets to determine if the basement installations are feasible (Greywind/Josh Wambach).

Project No. 34, Clay County Ditch No. 41. Albright mentioned that American Crystal Sugar Company (ACSC) is working with Wenck and Associates, Inc., to develop a project to make repairs to an existing concrete pier that supports six pond pipes, an electrical line, and a communication line. Albright noted that the repairs would be at ACSC's expense. Jones commented that there is an erosion site near the Moorhead Rod and Gun Club that we will need to take a look at.

Mediation PT. The next PT meeting has been scheduled for July 18, 2013, at 7:00 PM in the BRRWD Barnesville office.

Peppel/Haick Wetlands Reserve Program (WRP) Site. Albright noted that Phil Dall, Becker SWCD, forwarded a map of a possible WRP site on the Peppel/Haick property in Section 4, Manston Township, Wilkin County, on the South Branch of the Buffalo River north of C.R. No. 182. Jones commented that it might difficult to get water to the site. Currently, there is also open enrollment available for Reinvest In Minnesota (RIM).

Albright noted that Ed Haick had a concern about a tiling lift station the Board approved in 2012 for Mark Yaggie in Manston Township, Wilkin County. He said that the project is backing water onto his property. Albright will check the permit application and bring more information to the next meeting for the Board's review.

Clay County Ditch Nos. 9, 32, and 33, Redetermination. Jones reported that a number of contractors have been contacted regarding the work, and bid packages will be distributed this week.

Elkton Township Wetland Restoration. The contractor, Ziegler Construction, Inc., has made some progress on the wetland sites, but reported that the restoration project site is very wet. He requested a completion date extension from June 30, 2013 until August 31, 2013. CRO's Custom Services, LLC, has also started the seeding. **Motion** by Ellefson to grant the construction deadline extension. **Seconded** by Nelson. **Approved.**

Whisky Creek/Clay SWCD Project. Jones noted that the Clay SWCD met with the landowner to review the erosion site along Whisky Creek in Clay County. The work is being paid for by money the SWCD had left over from their 2009 flood disaster funding.

Becker County Ditch No. 19. As soon as the Viewers finalize their Report, we should be ready to schedule the redetermination hearing. The work includes Becker County Ditch No. 10.

Clay County Ditch No. 58. Landowner Tom Cook has contacted the BRRWD regarding his request for a ditch repair/cleaning along the south side of Interstate-94 (I-94) in Section 12, Elmwood Township. Cook is considering petitioning for a legal lateral in the I-94 r-o-w. Albright suggested that the area landowners draft an agreement to share the repair costs.

South Branch of the Buffalo River Clean Water Fund (CWF). Landowner John Boen is working with the Otter Tail SWCD on more sediment control basin projects on his property.

RRWMB. John Hanson attended the most recent RRWMB meeting. Albright met with Otter Tail County Board to discuss comments cited in the 2013 Advisory Committee meeting minutes regarding the BRRWD rejoining the RRWMB.

Minnesota Agricultural Water Quality Certification Program (MAWQCP). The Minnesota Department of Agriculture (MDA) will meet with the BRRWD and other agency personnel on Wednesday, June 26, 2013, at 1:00 PM in Barnesville. The MDA will provide information about program implementation. Albright noted that there has been some interest generated about the program and discussed the potential funding that could be made available for the four pilot watershed districts in Minnesota, including the BRRWD. The BRRWD pilot area is Whisky Creek, about a 200 square mile area in Wilkin and Otter Tail Counties.

Wolverton Creek/Comstock Coulee. Jones reported that he has provided additional information to the DNR regarding the pilot channel alignment. A meeting will be scheduled with the DNR to finalize the channel geometry.

Buffalo River TMDL. The TMDL report will need to be submitted to the Environmental Protection Agency (EPA) in Chicago for review. The draft document is to be completed by the first of the year for review and comment.

Upper Red River TMDL. Albright reported that MPCA has decided to use Surface Water Assessment Tool (SWAT) modeling for the project.

Red River Basin Commission (RRBC) Distributed Detention. Jones has submitted the retention modeling work conducted in conjunction with RRBC in accordance with the 50/50 cost share agreement. We will now be able to send a pay request to the RRBC for their share of the study costs (\$21,600).

BWSR FY2013 CWF Targeted Drainage Water Management. Rick and Roger Maier are our first applicants for this program in Section 6, Atherton Township, Wilkin County. Ellingson Drainage will prepare the CAP130 design, which Jones will review. The BRRWD still has 2012 funding that can be used to cost share outlet control structures on tiling projects. The grant funding will cost share up to 75% of the outlet structures/pumps expense and a payment of \$7.58/acre to operate the structures according to the Conservation Plan for three years.

New Office. Albright reported that Agassiz Valley Mechanical has been working on some cooling problems in the office. We have received landscaping quotes from three vendors. Architect Margaret

Follingstad is working with the contractor on the punch list, including the parking lot gravel. The Board discussed a number of items the contractor had completed unsatisfactorily.

Wetlands and Drainage Seminar. The Minnesota Water Resource Center (MWRC) is hosting a wetland drainage seminar to be held July 31, 2013, starting at 8:30 AM at the Courtyard by Marriott in Moorhead.

Shoreline and Watershed Practices Tour. Stearns County SWCD is hosting a tour regarding shoreline best management practices (bmps) on Tuesday, August 6, 2013.

Clay County Ditch No. 50. Albright reported that a homeowner in Dilworth contacted the office with a request to build part of his garage on the ditch r-o-w. Jones conducted an investigation, and Opsahl will also meet with him. Jones did not think that we should allow the homeowner to encroach on the ditch system r-o-w.

Project No. 67, HRBP Outlet. Albright noted that a property owner on Pete Lake called the office with concerns about her assessment. She feels her benefit value is higher than it should be because the property contains a wetland. She was not aware of the assessment when she purchased the lot after the project was already built. The landowner claims that the developer she bought her lot from didn't advise her about the existence of the wetland or the project assessment. Albright acknowledged that the assessment probably should have been adjusted, but no one, including the developer, caught it at the hearing, and the Appraisers' Report was adopted. The Board felt there wasn't much we could do about the landowner's concerns now without conducting a full-blown redetermination proceeding, which wouldn't be feasible at this time.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
C&H Farms Company	Easement	Pj. 56, Manston Slough	\$ 213,105.00
C&H Farms Company-WF	Electronic account transfer, C&H	Pj. 56, Manston Slough	\$ 213,105.00
Clay Co. Treasurer	C.R. No. 1 log jam removal, 25% share	Pj. 29, Log Jams	\$ 2,625.00
IRS	Federal Form 941-Barker #1022	Admin.	\$ 227.47
Joel Carlson, Inc.	July 2013 Lobbyist billing	Admin.	\$ 850.00
L&M Road Services, LLC	#119, tree spraying	Varies-see attached	\$ 10,308.25
Mid States Storage	July 2013 rent	Admin.	\$ 74.00
MN DEPT of Revenue	MN State Withholding-Barker #1023	Admin.	\$ 36.00
MN DNR	Cont. #46244, Stream Gauges (50%)	S&D Acquisition	\$ 9,250.00
Mona L. Barker	June Ins. Premium Reimb. #50040	Admin	\$ 118.91
Payroll Professionals, Inc.	6/24/13 Payroll Prep-#50041	Admin.	\$ 40.14
PERA	6/24/13 payment-EFT	Admin	\$ 148.50
Ramona Barker	June office cleaning (2)	Admin.	\$ 150.00
Ramona L. Barker	Payroll 06/09/13-06/22/13-#50039	Varies	\$ 851.95
RMB Laboratories, Inc.	#194976, WQ analysis	Buffalo River TMDL	\$ 888.00
RMB Laboratories, Inc.	#196248, WQ analysis	Buffalo River TMDL	\$ 176.00
RMB Laboratories, Inc.	#197499, WQ analysis	Buffalo River TMDL	\$ 848.00
RRVCPA	05/10/13-06/09/13 billings (3)	Pj. 49, Oakport	\$ 363.18
TDS	06/13/13 long distance	Admin.	\$ 22.55
TRN Abstract & Title-Wilkin	C&H Farms abstracts (2)	Pj. 56, Manston Slough	\$ 195.00
TrueNorth Steel	#FP0000000621, culverts	Pj. 72, Wilkin 22-Lat. 3	\$ 3,982.48
Westlund Excavating	06/13/13 billing-repairs	Clay 5, 49, 59, 65, Oakport, J.D. 1	\$ 2,797.63
Woolson Family RLT	Easement	Pj. 56, Manston Slough	\$ 146,400.00
			\$ 606,563.06

Motion by Hanson to approve payment of the bills, subject to funding availability. **Seconded** by Nelson. **Approved.**

Ringdike Request. Van Amburg mentioned that Vernon Kroshus, Jr., in the northwest corner of Oakport Township, has asked about a possible ringdike for his house. Albright noted that there is no State funding currently available for ringdikes. Since Kroshus is not a farmer, he wouldn't qualify for the NRCS farmstead ringdike program or Environmental Quality Incentives Program (EQIP) funding. He added that there will be more work done in this area in conjunction with the final phase of the Oakport project. Jones will check with Opsahl to see if he has already met with Kroshus about a possible ringdike.

Permit Data Management Suite. Van Amburg asked about the status of the BRRWD's new permit suite development. Jones will provide an update for the next meeting. Albright noted that we will need to get Managers' photographs for the new Website.

Special Board Meeting. Paradeis Kobiela asked the Board if they would be interested in scheduling another special meeting to discuss organizational issues. The Board discussed items that could be included on the agenda. Paradeis Kobiela volunteered to develop a draft agenda and distribute it for the other Managers to provide input. A meeting date will be set at a later meeting.

Next Meeting. The next regular meeting is scheduled for Monday, July 8, 2013, at 7:30 PM in our Barnesville office.

Adjournment. Chairman Van Amburg adjourned the meeting at 10:33 PM.

Respectfully submitted,

John E. Hanson, Secretary